

REMARKS

Claims 1-5 and 18-28 were pending. Claims 1-5, 18-24, and 26-28 are amended. New claims 29-32 are added. For at least the following reasons, the claims are believed to be in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

Claims 5, 20-23 and 27 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims have been amended to overcome the deficiencies identified by the Examiner.

Claims 1-5 and 18-28 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although Applicant believes that the specification, including the drawings, provide more than adequate support for claims describing the sheet structure as a single sheet, the claims have been amended to remove this limitation.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 4 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Owens et al (“Owens”). Claims 1, 4, and 18 have been amended to recite limitations not found in or suggested by Owens. For instance, Owens fails to teach or suggest a sheet of film with a substantially uniform thickness having an adhesive layer on one surface and a paintable layer on the other surface. Owens, instead, teaches a “composite material” made up of multiple layers of different materials that has a exposed surface of the sheet that is “slightly convex.” See, e.g., col. 3, lines 9-24; FIG. 2; col. 4, lines 5-9. Claims 1 and 18 and each of their dependent claims are therefore believed to be in condition for allowance for this reason alone.

In addition, however, Owens also fails to teach a perimeter of the patch that is feathered, as recited in claim 1. Owens further fails to teach that the sheet having the paintable surface and adhesive layer applied thereto is formed of a single material as recited in claim 4. Owens instead discloses multiple sheets 13, 14, and a metal plate 11 that “becomes a single composite structure, thicker at its center.” Col. 4, lines 5-9.

Claims 1, 4 and 18 stand rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Hoffman, Sr. ("Hoffman"). Hoffman, however, must be used in combination with a separate, curable repair compound and does not provide the features or benefits of the claimed invention. For instance, Hoffman explains that it is "directed to a method of using a non-metallic surface repair patch *together with* a curable repair compound." Col. 2, line 66 - col. 3, line 2 (emphasis added). Hoffman further explains that "[a] surface repair assembly having the features of the present invention includes a surface repair patch *and* a curable surface repair compound." Col. 2, lines 30-33 (emphasis added). On the contrary, claim 1 of the present invention includes a pre-textured upper surface that is ready-to-paint and does not require any separate curable repair compound to become usable. Claim 18 similarly requires a ready-to-paint upper surface pre-applied to the sheet, which therefore requires no separate curable repair compound to be applied by a user before painting can be performed. Claims 1 and 18, and each of their dependent claims are therefore believed to be allowable over Hoffman for this reason alone.

In addition, however, Hoffman fails to teach a feathered perimeter as required by amended claim 1. Hoffman also fails to teach a non-perforated, or contiguous sheet, since holes or contours are required to receive and hold the separate curable repair compound. *See, e.g.*, Col. 4, line 63 - col. 5, line 7. Claim 18 is believed to be in further condition for allowance for this reason.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 3, 5 and 19-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over either Owens, et al. or Hoffman, each taken individually, or alternatively as evidence of the state of the art in view of Swallow for claims 2, 3 and 19 for claims 5 and 20 in view of the FASSON trade publication, and for claims 21-23 in view of Estrada.

The rejections of the independent claims having been traversed, it is also believed that the dependent claims are allowable for each of the reasons discussed above. The dependent claims, however, contain additional limitations that are patentable over the prior art of record.

Amended claims 1 and 20 require feathered edges which are not taught in the prior art of record. Amended claim 2 further requires that the feathered edges comprise a plurality of non-uniform serrations (support for which can be found, for instance, in FIG. 1A of the application). None of the prior art of record teaches this limitation, particularly in conjunction with the other limitations of claim 1. With respect to dependent claim 5,

although the FASSON trade publication teaches a biaxially oriented three-ply polypropylene film, it does not teach or suggest its use for the present application.

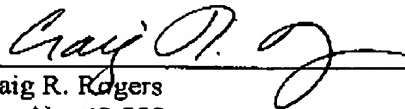
New claims 29-32 contain limitations similar to those discussed above and are also believed to be patentable for at least the foregoing reasons.

CONCLUSION

For at least the foregoing reasons, reconsideration and allowance of claims 1-5 and 18-28, and new claims 29-32, of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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